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12 Attorneys for Plaintiff Equal Employment Opportunity Commission

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 EQUAL EMPLOYMENT OPPORTUNITY
 16 COMMISSION,

17 Plaintiff,

18 v.

19 SCHWAN'S CONSUMER BRANDS OF
 20 NORTH AMERICA, INC.,

21 Defendant.

Civil Action No.

C 05 02161

COMPLAINT

Civil Rights - Employment
 Discrimination

DEMAND FOR JURY TRIAL

22 NATURE OF THE ACTION

23 This action is brought pursuant to Title VII of the Civil Rights Act of 1964 and
 24 Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the
 25 basis of sex, and to provide appropriate relief to Suzanna Mayhew, who was adversely
 26 affected by such practices. Defendant Schwan's Consumer Brands of North America,
 27 Inc., subjected Ms. Mayhew to unlawful sex discrimination when it refused to allow
 28 her to return to work and terminated her employment because of her pregnancy.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S. §§ 451, 1331, 1337,
 1343 and 1345. This action is authorized and instituted pursuant to Section 706 (f) (1)

1 and (3) of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C.
2 §2000e-5(f) (1) and (3); Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981(a);
3 and the Pregnancy Discrimination Act of 1978, 42 U.S.C. §2000e(k).

4 2. The unlawful employment practices alleged herein were committed in the
5 State of California, thus venue is proper "in any judicial district in the State in which the
6 unlawful employment practice is alleged to have been committed." (§706(f)(3) of Title
7 VII, 42 U.S.C. §2000e-5(f)(3)). Venue is therefore proper in the United States District
8 Court for the Northern District of California.

9 **INTRA-DISTRICT ASSIGNMENT**

10 3. This action is appropriate for assignment to San Francisco/Oakland as the
11 administrative charges underlying this case were investigated in the San Francisco
12 District Office of Plaintiff Equal Employment Opportunity Commission, and the records
13 related to that investigation are in San Francisco.

14 **PARTIES**

15 4. Plaintiff, the Equal Employment Opportunity Commission
16 ("Commission"), is the agency of the United States of America charged with the
17 administration, interpretation and enforcement of Title VII, and is expressly authorized
18 to bring this action by Section 706 (f) (1) and (3) of Title VII, 42 U.S.C. §2000e-5 (f) (1)
19 and (3).

20 5. The Commission is informed and believes, and on said information and
21 belief alleges that at all relevant times Defendant Schwan's Consumer Brands of North
22 America, Inc. ("Schwan's") is a corporation formed under the laws of the state of
23 Minnesota and operating under the laws of the state of California, and has continuously
24 had at least 15 employees.

25 6. At all relevant times, Defendant Schwan's has continuously been an
26 employer engaged in an industry affecting commerce within the meaning of Sections
27 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e(b), (g) and (h).

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1 C. Order Defendant to make whole Charging Party by providing appropriate
2 back pay with prejudgment interest, in amounts to be determined at trial, reinstatement
3 and/or front pay in amounts to be determined at trial and other affirmative relief
4 necessary to eradicate the effects of its unlawful employment practices.

5 D. Order Defendant to make whole Charging Party by providing
6 compensation for past and future pecuniary losses resulting from the unlawful
7 employment practices described above, including but not limited to medical expenses,
8 with interest, in amounts to be determined at trial.

9 E. Order Defendant to make whole Charging Party by providing
10 compensation for past and future non-pecuniary losses resulting from the unlawful
11 employment practices described above, including but not limited to emotional pain and
12 suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be
13 determined at trial.

14 F. Order Defendant to pay Charging Party punitive damages for its
15 malicious and reckless conduct described above, in amounts to be determined at trial.

16 G. Grant such further relief as the Court deems necessary and proper in the
17 public interest.

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1 H. Award the Commission its costs in this action.


2 **JURY TRIAL DEMAND**

3 Pursuant to the provisions of Federal Rule of Civil Procedure 38(b), Plaintiff
4 hereby demands a jury trial.

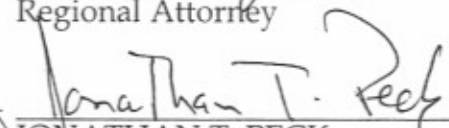
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11 Date: May 23, 2005

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WILLIAM R. TAMAYO
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14 Date: May 23, 2005

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JONATHAN T. PECK
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